

Message Text

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PAGE 01 PRETOR 00336 181427Z
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C O N F I D E N T I A L PRETORIA 0336

CAPE TOWN FOR EMBASSY

E.O. 11652: XGDS-4
TAGS: SF, PINT, SHUM, PINS
SUBJECT: PAC TERRORISM TRIAL

REF: CAPE TOWN 0048 AND PREVIOUS

1. SUMMARY: BETHAL TRIAL OPENED ON JANUARY 17 WITH DEFENSE
ARGUING FOR POSTPONEMENT AND CHANGE OF VENUE. RULINGS WILL
BE GIVEN ON JANUARY 18. THE EIGHTEEN ACCUSED ARE CHARGED
UNDER TERRORISM ACT ON SEVERAL COUNTS, INCLUDING
FURTHERING THE AIM OF THE PAC AND PLANNING TO OVERTHROW
THE GOVERNMENT.

2. THE EIGHTEEN ALLEGED PAN AFRICAN CONGRESS (PAC) MEMBERS WHO
ARE BEING TRIED IN BETHAL UNDER THE TERRORISM ACT APPEARED
BRIEFLY ON JANUARY 9. THE CASE WAS REMANDED TO JANUARY 17 FOR THE
BEGINNING OF THE TRIAL. THE FIRST DAY WAS, ACCORDING TO
PRESS ACCOUNTS, SPENT HEARING ARGUMENT BY THE
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PAGE 02 PRETOR 00336 181427Z

DEFENSE FOR A POSTPONEMENT OF TWO AND A HALF MONTHS,
A CHANGE OF VENUE AND THE RIGHT OF THE ACCUSED NOT
TO BE SEPARATED IN PRISON. LEADING THE DEFENSE
ARGUMENTS WAS T.L. SKWEYIYA, WHO STATED THAT THEY
NEEDED MORE PREPARATION TIME BECAUSE THE INDICTMENT
WAS OVER FIFTY PAGES, COVERED OVER FOURTEEN YEARS
AND THE PLACES OF ALLEGED OFFENSES WERE SCATTERED

THROUGHOUT THE COUNTRY AND ABROAD. SKWEIYA ALSO SAID THAT MOST OF THE ACCUSED DID NOT KNOW EACH OTHER UNTIL MEETING DURING THEIR CONFINEMENT IN BETHAL. THE PROSECUTION, HE SAID, HAD A GREAT ADVANTAGE BECAUSE THE ACCUSED HAD BEEN DETAINED SINCE DECEMBER, 1976. SINCE LATE 1977 THE DEFENSE HAD ONLY BEEN ALLOWED ACCESS AND HAD BEEN PREPARING ONLY SINCE JANUARY 1. ON THE PLEA FOR VENUE CHANGE, SKWEIYA STATED THAT BECAUSE BETHAL IS A SMALL TOWN THERE WERE ACCOMODATION DIFFICULTIES FOR BLACKS IN THE DEFENSE TEAM AND THE ACCUSED'S FAMILIES.

3. THE TRANSVAAL DEPUTY ATTORNEY GENERAL, P.C. HAASBROOK, WHO IS LEADING THE STATE PROSECUTION TEAM, REPLIED THAT HE COULD AGREE TO A FOURTEEN DAY POSTPONEMENT BUT NO MORE AS IT "WOULD EMBARRASS THE STATE" BECAUSE THEY HAD 165 WITNESSES DUE TO APPEAR, SOME OF WHOM WERE PRESENTLY DETAINED. HAASBROOK SPOKE IN OPPOSITION TO THE CHANGE OF VENUE AND SAID THAT THE PRISONERS WERE ONLY KEPT SEPARATED AT NIGHT. THE PRESIDING JUDGE, JUSTICE D.J. CURLEWIS, ADJOURNED THE HEARINGS UNTIL JANUARY 18 SAYING HE WOULD RULE ON THE REQUESTS AT THAT TIME. HE STATED, HOWEVER, THAT IF HE POSTPONED IT WOULD NOT BE FOR THE LENGTH OF TIME REQUESTED BY THE DEFENSE.

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PAGE 03 PRETOR 00336 181427Z

4. ACCORDING TO LOCAL PRESS REPORTS, POLICE ARMED WITH SUB-MACHINE GUNS GUARDED THE COURTROOM IN BETHAL DURING THE PROCEEDINGS AND THOROUGHLY CHECKED JOURNALISTS, SOME OF WHOM WERE EXCLUDED ON THE GROUNDS THE GALERIES WERE TOO FULL.

5. THE ACCUSED ARE BEING TRIED UNDER THE TERRORISM ACT ON SEVERAL COUNTS, INCLUDING FURTHERING THE AIMS OF THE BANNED PAC, AND PLANNING THE OVERTHROW OF THE GOVERNMENT. THE SPECIFIC CHARGES DATE FROM 1963 TO 1977 (A COPY OF THE INDICTMENT WAS POUCHED TO AF/S ON DECEMBER 15 BY CAPE TOWN). THE ACCUSED ARE: ZEPHANIA MOTHOPENG, 65, OF SOWETO; JOHN GANYA, 48, OF SOWETO; MARK SHINNERS, 37, OF ATTERIDGEVILLE; BENNIE NTOELE, 38, OF MAMELODI; HAMILTON KEKE, 42, OF EAST LONDON; MICHAEL KHALA, 24, OF SOWETO; ALFRED NTSHALI-TSHALI, 47, OF MANZINI, SWAZILAND; JULIUS LANDINGWE, 30, OF GUGULETU, CAPE TOWN; ZOLILE NDINDWA, 26, OF GUGULETU, CAPE TOWN; MOFFAT ZUNGU, 28, OF SOWETO; GOODWELL MONI, 24, OF GUGULETU, CAPE TOWN; JEROME KODISANG, 26, OF SOWETO; MICHAEL MATSOBANE, 36, OF KAGISO, KRUGERSDORP;

JOHNSON NYATHI, 32, OF KAGISO, KRUGERSDORP; THEMBA HLATSWAYO, 21, OF KAGISO, KRUGERSDORP; MOTHLAGEGI THLALE, 22, OF KAGISO, KRUGERSDORP; RODNEY TSOLETSAANE, 20, OF KAGISO, KRUGERSDORP; AND DANIEL MATSOBANE, 31, OF KAGISO, KRUGERSDORP. NAMED AS CO-CONSPIRATORS BUT NOT BEING CHARGED ARE BANNED PAC PRESIDENT ROBERT SOBUKWE AND SEVERAL EXILED PAC LEADERS INCLUDING GENERAL SECRETARY POTLAKE LEBALLO, NATIONAL ORGANIZER SELBY NGENDANE, AND ARMED FORCES CHIEF T.N. NTLANTLALA. ALSO ACCUSED AS CO-CONSPIRATORS ARE FOUR MEN WHO HAVE DIED IN DETENTION OVER THE LAST YEAR: NABOATH NTSHUNTSHE, SAMUEL MALINGA, AARON KHOZA AND BONAVENTURE MALAZA.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 PRETOR 00336 181427Z

6. SHUN CHETTY TOLD THE EMBASSY THAT HE WAS ORIGINALLY GOING TO TAKE THE CASE BUT HAD TO BOW OUT BECAUSE OF TIME LIMITATIONS. HE EXPECTS IT WILL BE A LONG, DRAW-OUT AND SENSATIONAL TRIAL BECAUSE, HE SAYS, "THESE PEOPLE ARE GUILTY." CHETTY SAYS THERE ARE TWO GROUPS INVOLVED: ONE, AN OLDER GROUP OF FIVE WHO ARE ROBBER ISLAND "GRADUATES" AND PAC ACTIVISTS; AND, THE REST WHO ARE GENERALLY YOUNGER AND RECENTLY INVOLVED IN MILITARY RECRUITING OR TRAINING. ALL, HE SAYS, HAVE BEEN DEEPLY INVOLVED IN PAC ACTIVITIES. CHETTY SAID THAT GRIFFITH MXENGE WILL BE IN CHARGE OF THE DEFENSE (SEE REFTEL) AND HE CONSIDERS HIM A CAPABLE LAWYER. DEFENSE ATTORNEY SKWEYIYA, MENTIONED IN THE PRESS ACCOUNTS, IS AT PRESENT UNKNOWN TO THE EMBASSY.

7. COMMENT: THE SAG APPEARS TO HAVE A GOOD CASE AGAINST THE BETHAL EIGHTEEN AND MAY HAVE ORCHESTRATED THE TIMING OF THIS TRIAL TO USE THE ACTIVITIES OF THE ACCUSED TO JUSTIFY CONTINUING SECURITY MEASURES, INCLUDING THE OCTOBER 19 BANNINGS AND DETENTIONS. THE EMBASSY WILL FOLLOW THE TRIAL AND HAVE AN OFFICER IN ATTENDANCE WHEN POSSIBLE. BETHAL IS APPROXIMATELY 140 KILOMETERS EAST OF JOHANNESBURG. BOWDLER

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